

**ROXBOROUGH PARK FOUNDATION
SIGN AND FLAG DISPLAY POLICY**

The following Sign and Flag Display Policy (“Policy”) was adopted by the Board of Directors of the Roxborough Park Foundation (“Foundation”), at a regular meeting of the Board of Directors.

Effective Date: _____

Recitals

A. The Board of Directors of the Foundation has the authority to adopt rules and regulations, pursuant to Article 5, Section 5.2 of the Amended and Restated Protective Covenants ("Protective Covenants"); Article 7, Section 7.1 (b) of the Amended and Restated Bylaws ("Bylaws"); and C.R.S. § 38-33.3-302(1)(a).

B. Regarding flags, the Foundation may not do the following, pursuant to C.R.S. § 38-33.3-106.5(a):

- i. Prohibit the display of a flag:
 - 1. On a Lot, Unit, Project Area, Commercial Area, or the Golf Course;
 - 2. In a window of a structure on a Lot, Unit, Project Area, Commercial Area, or the Golf Course; or
 - 3. On a balcony adjoining a structure on a Lot, Unit, Project Area, Commercial Area, or the Golf Course.
- ii. Prohibit or regulate the display of flags on the basis of their subject matter, message, or content; or
- iii. Prohibit the installation of a flag or flagpole.

C. Regarding signs, the Foundation may not do the following, pursuant to C.R.S. § 38-33.3-106.5(c):

- i. Prohibit the display of a sign by the Owner or occupant within the boundaries of or in a window of a structure on a Lot, Unit, Project Area, Commercial Area, or the Golf Course; or
- ii. Prohibit or regulate the display of window signs or yard signs on the basis of their subject matter, message, or content.

D. Regarding both flags and signs, the Foundation may adopt reasonable content-neutral rules regulating the number, location/placement, and size. Additionally, the Foundation may prohibit signs and flags bearing commercial messages.

E. The purpose of this Policy is to balance the Foundation’s interest in maintaining the aesthetic value of the community with residents’ freedom of expression.

F. Article 5(b) of the Articles of Incorporation states that one of the purposes of the Foundation is “[t]o maintain Roxborough Park as a community of the highest quality and value, and to enhance and protect the Property's value, desirability and attractiveness.” The Board of Directors respectfully requests, but does not require, that Owners be mindful of this purpose when deciding how many Signs and/or Flags to erect.

G. The Board of Directors of the Foundation believes that it is in the Foundation’s best interests to adopt this Policy. However, the Board of Directors of the Foundation does not believe that this Policy should apply to the Golf Course, as does so would “interfere with the normal use and operation of a typical public/private golf course facility,” as set forth in Section 5.29 of the Protective Covenants.

Policy

NOW, THEREFORE, The Board of Directors adopts the following:

1. **Definitions.** As used in this Policy:

a. “Content-neutral rules” mean rules that apply to all flags and signs without regard to the substance or message stated thereon.

b. “Sign” means any display, notice, bulletin, figure, painting, writing, drawing, message set forth on a placard, poster, or other thing that is designated, intended, or used to advertise or inform and is displayed in any manner whatsoever whether outdoors (e.g. yard sign) or indoors (e.g. window sign) in such a manner as to be visible from any sidewalk, street, or other Lot, Unit, Project Area, or Commercial Area.

c. “Flag” means a piece of woven cloth or other material with a depiction or emblem designed to be flown from a pole or mast or that is displayed in any manner whatsoever whether outdoors or indoors in such a manner as to be visible from any sidewalk, street, or other Lot, Unit, Project Area, or Commercial Area.

d. “Commercial Message” means any message that promotes a business or attempts to generate good will for a business, any message that advertises a product or service for sale, and any message that proposes a commercial transaction. A “commercial message” includes but is not limited to “for sale” Signs, “for rent” Signs, and “estate sale” Signs. A “Commercial Message” does not include a sports team’s logo.

e. Neither “Flag” nor “Sign” include a depiction or emblem made from lights, roofing, siding, paving materials, flora, paint, chalk, or other item, or from balloons, or any other building, landscaping, or decorative component.

2. **Content-Neutral Rules – Signs.** Signs are subject to the following rules.

a. **Number of Signs.** At any given time, no more than five (5) Signs shall be displayed on a Lot, Unit, Project Area, or Commercial Area, but no more than five (5) of any combination of Signs and Flags shall be displayed. By way of example and not limitation, a Lot, Unit, Project Area, or Commercial Area may display two (2) Signs and three (3) Flags. A double-sided Sign shall constitute one (1) Sign. A Sign with three (3) or more sides is prohibited.

b. **Placement of Signs.** Signs may be placed on a Lot, Unit, Project Area, or Commercial Area. Signs shall be placed at least two (2) feet from the boundary. Signs may not be placed on the Common Area or Limited Common Area, except to the extent allowed elsewhere in this Policy.

c. **Size of Signs.** Signs shall not exceed a maximum dimension of eighteen by thirty inches (18” x 30”).

d. **Height of Signs.** Signs shall not exceed three and a half (3.5) feet in height, measured from the top of the Sign to the lowest adjacent grade.

3. **Content-Neutral Rules – Flags.** Flags are subject to the following rules.

a. **Number of Flags.** At any given time, no more than five (5) Flags shall be displayed on a Lot, Unit, Project Area, or Commercial Area, but no more than five (5) of any combination of Signs and Flags shall be displayed. By way of example and not limitation, a Lot, Unit, Project Area, or Commercial Area may display two (2) Signs and three (3) Flags.

b. **Location of Flags.** Flags may be displayed on a flagpole, in a window, or along railing adjacent to balconies, decks, or patios.

c. **Size of Flags.** Flags shall not exceed a maximum dimension of three (3) feet by five (5).

d. **Flagpoles.** Flagpoles may be placed on a Lot, Unit, Project Area, or Commercial Area. Prior to installation, Owners must obtain approval of a proposed flagpole from the Foundation, in accordance with the Design Review Document, which sets forth restrictions on the number and size of Flagpoles.

4. **Commercial Messages – Flags.** A Flag bearing Commercial Messages is prohibited. A Flag bearing at least one (1) Commercial Message is deemed to bear Commercial Messages for purposes of this Policy.

5. **Commercial Messages – Signs.** Signs bearing commercial messages are subject to the following rules. A Sign bearing at least one (1) Commercial Message is deemed to bear Commercial Messages for purposes of this Policy. By way of example and not limitation, a double-sided Sign with a Commercial Message on one side and a non-Commercial Message on

the other side is deemed to bear Commercial Messages for purposes of this Policy. No Signs shall be erected on any Lot, Unit, Commercial Area, Common Area or Project Area except as follows:

a. **Real Estate For Sale or Rent Signs.** Signs advertising the sale or rental of real estate are permitted subject to the following conditions: 1) The background or body of the Sign shall be painted Oxford Brown (Olympic paint) or equivalent with white lettering. Single-faced Signs shall have the back painted Oxford Brown. 2) No tag signs or toppers are permitted except SOLD or UNDER CONTRACT tags which may be attached to the Sign face or bolted to the Sign frame and may not extend beyond the sides of the Sign frame. Colors for these tags are not limited to brown and white. 3) Only One (1) double-faced Sign, placed on the property on the street side from which the driveway enters, is permitted per Lot. The Board of Directors may grant a specific exception to this requirement when compliance is not feasible because of the configuration or location of a Lot or house. 4) Sign information may include only the name and telephone number of the agent, real estate firm, Owner and building company. 5) Signs must be removed within ten (10) days after the closing or the expiration of the listing. 6) Signs shall be installed in black or brown metal frames and posts. 7) Brochure boxes will be attached to the frames and shall be either black, brown, white or transparent.

b. **Open House Sign Regulations.** Open House Signs may be placed only as follows: one (1) directional Sign on Roxborough Drive or Roxborough Drive North at an intersection with a street that leads to the location of the open house and, thereafter, directional Signs at intersections from that point to the property. One (1) Sign may be placed on the property. For those properties that are more than one (1) mile from the main entry building, additional directional Signs along Roxborough Drive may be placed at one (1) mile intervals. Signs may be displayed only when an agent is present on the property. Colors are NOT limited to white on brown. No attachments to open house Signs are permitted, including but not limited to, balloons, banners, or streamers. Any Signs placed in violation of these guidelines are subject to removal by Foundation employees or other individuals who have been specifically designated by the Foundation to remove these types of Signs.

c. **Estate Sale Signs.** Estate sale Signs may be placed only as follows: one (1) directional Sign on Roxborough Drive or Roxborough Drive North at an intersection with a street that leads to the location of the estate sale and, thereafter, directional Signs at intersections from that point to the property. One (1) Sign may be placed on the property. For those properties that are more than one (1) mile from the main entry building, additional directional Signs along Roxborough Drive may be placed at one (1) mile intervals. Signs may be displayed beginning twenty-four (24) hours prior to the sale and must be removed at the conclusion of the sale on the property. Colors are NOT limited to white on brown. No attachments to estate sale Signs are permitted, including but not limited to, balloons, banners, or streamers. Any Signs placed in violation of these guidelines are subject to removal by Foundation employees or other individuals who have been specifically designated by the Foundation to remove these types of Signs.

d. **Building Site Identification Signs.** One (1) site identification Sign is required on all active new construction building sites. Each Sign will list the name and phone number of the builder, site street address, site lot number and subdivision and building permit number. No other information will appear on the Sign. Signs will be removed within 10 days after issuance of the Certificate of Occupancy. For a period of one year after the adoption of these Rules and Regulations, builders may continue to use Signs that meet the dimension and appearance requirements of the Rules and Regulations, or the DRD, in effect on the date of adoption of these Rules and Regulations.

i. **Government Required Safety Signs.** All government required safety Signs will comply with all appearance, material, dimension and location requirements set forth in Paragraph 5(a) above, unless other requirements are mandated by applicable government regulations.

e. **Project Area For Sale Signs.** All project area For Sale signs will comply with the requirements set forth in Paragraph 5(a) above.

f. **Project Area Development Signs.** All Signs identifying a Project Area under development shall comply with the appearance, material, dimension and location requirements set forth in Paragraph 5(a) above. The information appearing on the sign must be approved by the Foundation Board of Directors.

g. **Alarm Signs.** Signs advising of the existence of alarm systems shall be limited to ten (10) inches by ten (10) inches. There shall be only one (1) Sign per Lot. Small stickers issued by a security alarm system company may be placed on front and rear doors or windows of a residence.

6. **Inapplicable to Golf Course.** This Policy shall not apply to the Golf Course.

7. **Supersedes Previous Rules.** This Policy shall replace and supersede all previous policies, rules, and regulations regarding the subject matter of this Policy, if any.

8. **Severability.** In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing Sign and Flag Display Policy was adopted and made a part of the minutes of the meeting of the Board of Directors of the Foundation conducted on the _____ day of _____, 20_____.

ROXBOROUGH PARK FOUNDATION

(Signature)

By: _____, its: _____
(printed name) (officer)